

Richard Pelletrito v. Extrude Hone, LLC

Docket #: GD-21-9760

Notice of Filing Notice of Removal

EXHIBIT A

GD-21-009760

Pellerito vs Extrude Hone LLC

Filing Date:

08/17/2021

Filing Time:

14:21:00

Related Cases:

Consolidated Cases:

Judge:

No Judge

Amount In Dispute:

\$ 0

Case Type:

Employment Discrimination

Court Type:

General Docket

Current Status:

Complaint

Jury Requested:

No

Collapse All

Parties Count: 4

--Litigants--

Search



LName	FName	MI	Type	Address	Initial Service Completion	Attorney
Pellerito	Richard		Plaintiff	4132 Stratford Drive Irwin PA 15462	--	Peter T Kobylinski
Extrude Hone LLC			Defendant	235 Industry Drive Irwin PA 15642	--	--

Showing 1 to 2 of 2 rows

--Attorney--

Search



LName	FName	MI	Type	Address	Phone
Kobylinski	Peter	T	Plaintiff's Attorney	515 Court Place Suite 3 Pittsburgh PA 15219	4122816600
Kobylinski	David	M	Plaintiff's Attorney		--

Showing 1 to 2 of 2 rows

--Non Litigants--

Search

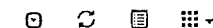








LName	FName	MI	Type	Address	Phone
-------	-------	----	------	---------	-------

No matching records found





Docket Entries Count: 6

Search



Filing Date	Docket Type	Docket Text	Filing Party	Document
8/26/2022	Complaint		Richard Pellerito	 Document 6
12/17/2021	Praecipe to Reissue Writ of Summons		Richard Pellerito	 Document 5
11/16/2021	Praecipe to Reissue Writ of Summons		Richard Pellerito	 Document 4
10/18/2021	Praecipe to Reissue Writ of Summons		Richard Pellerito	 Document 3
9/16/2021	Praecipe to Reissue Writ of Summons		Richard Pellerito	 Document 2
8/17/2021	Praecipe for Writ of Summons		Richard Pellerito	 Document 1

Showing 1 to 6 of 6 rows

- Event Schedule Count: 0		Search    	
Event Scheduled	Event Date & Time	Room Number	Judge/Hearing Officer
No matching records found			

Services

Search

Desc	Name	Service Address	Person Served	Served By	Service Date	Service Time	Status
No matching records found							

Collapse All

2021 AUG 17 PM 2:21

DEPT. COURT RECORDS
CIVIL / FAMILY DIVISION
ALLEGHENY COUNTY PA

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

Richard Pellerito,

Plaintiff,

v.

Extrude Hone, LLC

Defendant.

)
) CIVIL DIVISION
)
) Docket #:
)
)
) **JURY TRIAL DEMANDED**
)
)
)
)
)
)
)

PRAECIPE FOR WRIT OF SUMMONS

TO THE PROTHONOTARY:

Kindly issue a writ of summons in the above-captioned against matter for Defendant
Extrude Hone, LLC.

Papers may be served at the address set forth.

Respectfully submitted,

PRAETORIAN LAW GROUP, LLC



Peter T. Kobylinski, Esquire

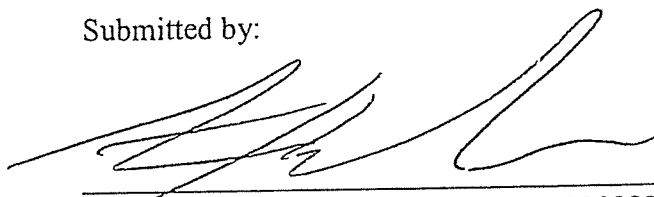
Counsel for Plaintiff

Dated: August 17, 2021

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by:

A handwritten signature in black ink, appearing to read 'Peter T. Kobylinski', written over a horizontal line.

Peter T. Kobylinski, Esquire (PA ID # 309832)\

August 17, 2021

Supreme Court of Pennsylvania

Court of Common Pleas

Civil Cover Sheet

Allegheny

County

For Prothonotary Use Only:

Docket No:

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

SECTION A

Commencement of Action:

- ☐ Complaint
 ☒ Writ of Summons
 ☐ Petition
 ☐ Declaration of Taking
- ☐ Transfer from Another Jurisdiction

Lead Plaintiff's Name:

Richard Pellerito

Lead Defendant's Name:

Extrude Hone, LLC

Are money damages requested? ☒ Yes ☐ NoDollar Amount Requested: ☐ within arbitration limits
(check one) ☒ outside arbitration limitsIs this a *Class Action Suit*? ☐ Yes ☒ NoIs this an *MDJ Appeal*? ☐ Yes ☒ No

Name of Plaintiff/Appellant's Attorney: David M. Kobylinski

☐ Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)

SECTION B

Nature of the Case: Place an "X" to the left of the ONE case category that most accurately describes your **PRIMARY CASE**. If you are making more than one type of claim, check the one that you consider most important.

TORT (do not include Mass Tort)

- ☐ Intentional
☐ Malicious Prosecution
☐ Motor Vehicle
☐ Nuisance
☐ Premises Liability
☐ Product Liability (does not include mass tort)
☐ Slander/Libel/ Defamation
☐ Other:

MASS TORT

- ☐ Asbestos
☐ Tobacco
☐ Toxic Tort - DES
☐ Toxic Tort - Implant
☐ Toxic Waste
☐ Other:

PROFESSIONAL LIABILITY

- ☐ Dental
☐ Legal
☐ Medical
☐ Other Professional:

CONTRACT (do not include Judgments)

- ☐ Buyer Plaintiff
☐ Debt Collection: Credit Card
☐ Debt Collection: Other

- ☒ Employment Dispute:
 Discrimination
☐ Employment Dispute: Other

☐ Other:**REAL PROPERTY**

- ☐ Ejectment
☐ Eminent Domain/Condemnation
☐ Ground Rent
☐ Landlord/Tenant Dispute
☐ Mortgage Foreclosure: Residential
☐ Mortgage Foreclosure: Commercial
☐ Partition
☐ Quiet Title
☐ Other:

CIVIL APPEALS

- Administrative Agencies
☐ Board of Assessment
☐ Board of Elections
☐ Dept. of Transportation
☐ Statutory Appeal: Other

☐ Zoning Board☐ Other:**MISCELLANEOUS**

- ☐ Common Law/Statutory Arbitration
☐ Declaratory Judgment
☐ Mandamus
☐ Non-Domestic Relations
☐ Restraining Order
☐ Quo Warranto
☐ Replevin
☐ Other:

IN THE COURT OF COMMON PLEAS FOR ALLEGHENY COUNTY

Richard Pellerito,

Plaintiff,

v.

Extrude Hone, LLC

Defendant.

Civil Action No.:

GD-21-9760

JURY TRIAL DEMANDED

PRAECIPE TO REISSUE WRIT OF SUMMONS

TO THE PROTHONOTARY:

Kindly reissue Plaintiff's Writ of Summons in the above-captioned matter for Defendant.

Papers may be served at the address set forth.

Respectfully submitted,

PRAETORIAN LAW GROUP, LLC

/s/ Peter T. Kobylinski

Peter T. Kobylinski, Esquire

PA ID No.: 309832

515 Court Place, Suite 4

Pittsburgh, PA 15219

(412) 281-6600

Dated: 9/16/21

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by:

/s/ Peter T. Kobylinski, Esquire
Peter T. Kobylinski, Esquire (PA ID # 309832)\

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing papers has been sent by First Class U.S. Mail to the following:

Extrude Hone, LLC
235 Industry Drive
Irwin, PA 15642

9/16/2021

/s/ Peter T. Kobylinski
PETER T. KOBYLINSKI

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

Danyell Washington-Johnson

720 Grand Avenue

Pittsburgh, PA 15221

Plaintiff,

v.

Allegheny Health Network

30 Isabella Street

Pittsburgh, PA 15212

Defendant.

) CIVIL DIVISION

)
)
) Docket #: GD-21-9763

)
)
) **PRAECIPE TO REISSUE A WRIT OF
SUMMONS**

) **JURY TRIAL DEMANDED**

) Filed on behalf of: Plaintiffs.

)
) COUNSEL OF RECORD FOR THIS
PARTY:

) David M. Kobylinski, Esquire
) Pa. ID No.: 92233

) Peter T. Kobylinski, Esquire
) Pa. ID No.: 309832

)
KOBYLINSKI + KOBYLINSKI
515 Court Place, Ste 4
Pittsburgh, PA 15219
(412) 281-6600

IN THE COURT OF COMMON PLEAS FOR ALLEGHENY COUNTY

Danyell Washington-Johnson,)	
)	Civil Action No.:
Plaintiff,)	
)	GD-21-9763
v.)	
)	JURY TRIAL DEMANDED
)	
Allegheny General Hospital)	
)	
Defendant.)	

PRAECIPE TO REISSUE WRIT OF SUMMONS

TO THE PROTHONOTARY:

Kindly reissue Plaintiff's Writ of Summons in the above-captioned matter for Defendant.

Papers may be served at the address set forth.

Respectfully submitted,

PRAETORIAN LAW GROUP, LLC

/s/ Peter T. Kobylinski

Peter T. Kobylinski, Esquire
PA ID No.: 309832
515 Court Place, Suite 4
Pittsburgh, PA 15219
(412) 281-6600

Dated: 10/18/21

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by:

/s/ Peter T. Kobylinski, Esquire
Peter T. Kobylinski, Esquire (PA ID # 309832)\

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing papers has been sent by First Class U.S. Mail to the following:

Allegheny General Hospital
320 E. North Avenue
Pittsburgh, PA 15212

10/18/2021

/s/ Peter T. Kobylinski
PETER T. KOBYLINSKI

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

Richard Pellerito
4132 Stratford Drive
Irwin, PA 15462

Plaintiff,

v.

Extrude Hone, LLC
235 Industry Drive
Irwin, PA 15642

Defendant.

) CIVIL DIVISION

)
)
) Docket #: GD-21-9760

)
)
)
) **PRAECIPE TO REISSUE A WRIT OF
SUMMONS**

) **JURY TRIAL DEMANDED**

) Filed on behalf of: Plaintiffs.

)
) COUNSEL OF RECORD FOR THIS
PARTY:

) David M. Kobylinski, Esquire
) Pa. ID No.: 92233

)
) Peter T. Kobylinski, Esquire
) Pa. ID No.: 309832

)
KOBYLINSKI + KOBYLINSKI
515 Court Place, Ste 4
Pittsburgh, PA 15219
(412) 281-6600

IN THE COURT OF COMMON PLEAS FOR ALLEGHENY COUNTY

Richard Pellerito,

Plaintiff,

v.

Extrude Hone, LLC

Defendant.

Civil Action No.:

GD-21-9760

JURY TRIAL DEMANDED

PRAECIPE TO REISSUE WRIT OF SUMMONS

TO THE PROTHONOTARY:

Kindly reissue Plaintiff's Writ of Summons in the above-captioned matter for Defendant.

Papers may be served at the address set forth.

Respectfully submitted,

PRAETORIAN LAW GROUP, LLC

/s/ Peter T. Kobylinski

Peter T. Kobylinski, Esquire

PA ID No.: 309832

515 Court Place, Suite 4

Pittsburgh, PA 15219

(412) 281-6600

Dated: 11/16/21

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by:

/s/ Peter T. Kobylinski, Esquire
Peter T. Kobylinski, Esquire (PA ID # 309832)\

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing papers has been sent by First Class U.S. Mail to the following:

Extrude Hone, LLC
235 Industry Drive
Irwin, PA 15642

11/16/2021

/s/ Peter T. Kobylinski
PETER T. KOBYLINSKI

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

Richard Pellerito
4132 Stratford Drive
Irwin, PA 15462

Plaintiff,

v.

Extrude Hone, LLC
235 Industry Drive
Irwin, PA 15642

Defendant.

) CIVIL DIVISION
)
)
) Docket #: GD-21-9760
)
)
)
)
) **PRAECIPE TO REISSUE A WRIT OF**
) **SUMMONS**
)
) **JURY TRIAL DEMANDED**
)
) Filed on behalf of: Plaintiffs.
)
) COUNSEL OF RECORD FOR THIS
) PARTY:
)
) David M. Kobylinski, Esquire
) Pa. ID No.: 92233
)
) Peter T. Kobylinski, Esquire
) Pa. ID No.: 309832

KOBYLINSKI + KOBYLINSKI
515 Court Place, Ste 4
Pittsburgh, PA 15219
(412) 281-6600

IN THE COURT OF COMMON PLEAS FOR ALLEGHENY COUNTY

Richard Pellerito,

Plaintiff,

v.

Extrude Hone, LLC

Defendant.

Civil Action No.:

GD-21-9760

JURY TRIAL DEMANDED

PRAECIPE TO REISSUE WRIT OF SUMMONS

TO THE PROTHONOTARY:

Kindly reissue Plaintiff's Writ of Summons in the above-captioned matter for Defendant.

Papers may be served at the address set forth.

Respectfully submitted,

PRAETORIAN LAW GROUP, LLC

/s/ Peter T. Kobylinski

Peter T. Kobylinski, Esquire

PA ID No.: 309832

515 Court Place, Suite 4

Pittsburgh, PA 15219

(412) 281-6600

Dated: 12/17/21

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by:

/s/ Peter T. Kobylinski, Esquire
Peter T. Kobylinski, Esquire (PA ID # 309832)\

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing papers has been sent by First Class U.S. Mail to the following:

Extrude Hone, LLC
235 Industry Drive
Irwin, PA 15642

12/17/2021

/s/ Peter T. Kobylinski
PETER T. KOBYLINSKI

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

Richard Pellerito
4132 Stratford Drive
Irwin, PA 15462

Plaintiff,

v.

Extrude Hone, LLC
235 Industry Drive
Irwin, PA 15642

Defendant.

) CIVIL DIVISION

)
)
) Docket #: GD-21-9760

)
)
)
) **COMPLAINT IN CIVIL ACTION**

) **JURY TRIAL DEMANDED**

) Filed on behalf of: Plaintiffs.

)
) COUNSEL OF RECORD FOR THIS
) PARTY:

)
) David M. Kobylinski, Esquire
) Pa. ID No.: 92233

)
) Peter T. Kobylinski, Esquire
) Pa. ID No.: 309832

)
) **KOBYLINSKI + KOBYLINSKI**
515 Court Place, Ste 4
Pittsburgh, PA 15219
(412) 281-6600

IN THE COURT OF COMMON PLEAS FOR ALLEGHENY COUNTY

Richard Pellerito,)	
)	Civil Action No.:
Plaintiff,)	
)	GD-21-9760
v.)	
)	JURY TRIAL DEMANDED
)	
Extrude Hone, LLC)	
)	
Defendant.)	

NOTICE TO DEFEND

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO A LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Lawyer Referral Service
Allegheny County Bar Association
11th Floor Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 261-5555

IN THE COURT OF COMMON PLEAS FOR ALLEGHENY COUNTY

Richard Pellerito,)	
)	Civil Action No.:
Plaintiff,)	
)	GD-21-9760
v.)	
)	JURY TRIAL DEMANDED
)	
Extrude Hone, LLC)	
)	
Defendant.)	

COMPLAINT

AND NOW come plaintiff Richard Pellerito, through counsel, who avers as follows:

THE PARTIES

1. Plaintiff Richard Pellerito is an adult individual and resides at 340 South Indiana Avenue, Watertown, NY 13601. Plaintiff is a disabled 53-year-old man.
2. Defendant Extrude Hone LLC is a corporation and conducts its general business operations at 235 Industry Boulevard, Irwin, Pittsburgh, PA 15642.
3. Pursuant to Pa. R.C.P. 1006 & 2179, venue is appropriate in Allegheny County because defendant conducts business herein on a regular and continuing basis.

ADMINISTRATIVE PREREQUISITES

4. Plaintiffs timely filed a Complaint with the Equal Employment Opportunity Commission (hereinafter "EEOC"), alleging unlawful discrimination on account of his disability and age. Plaintiff dual filed his Complaint of discrimination with the Pennsylvania Human Relations Commission (hereinafter "PHRC").

5. Plaintiff received a Right to Sue letter from the U.S. Equal Employment Opportunity Commission and this action was commenced within the 90-day deadline set forth by that letter.

STATEMENT OF THE FACTS

6. Plaintiff is a disabled man and was born on November 15, 1965.
7. Plaintiff was 53 years of age at the time he was terminated from his employment with defendant.
8. Plaintiff prior to his employment being terminated, Plaintiff had been employed by the defendant for over 14 years.
9. On or around April 3, 2020 was laid off by the defendant purportedly due to the COVID-19 economic shutdown.
10. Plaintiff was told he would be able to return to work within the next six months, otherwise his layoff would be permanent.
11. While the plaintiff was laid off, he was informed that the defendant had brought in multiple younger employees to perform his duties.
12. Upon information and belief, the defendant hired an individual under the age of 40 to replace the plaintiff.
13. Prior to being laid off, the plaintiff was the most experienced person in his department.
14. In March of 2013, the plaintiff suffered an injury to his cervical spine during the course of his employment.
15. As a result, plaintiff requested various reasonable accommodations for his work.
16. These requests were reasonable as the defendant had accommodated the plaintiff for approximately seven years prior to April of 2020.

17. Plaintiff believes and therefore avers that the younger employee who replaced him does not require such accommodations.
18. Plaintiff believes and therefore avers that he was discriminated against due to his disability and age.
19. Plaintiff further believes and avers that he was terminated due to his disability and age.

INJURIES AND DAMAGES

20. As a direct and proximate result of Defendant's discriminatory practices and termination, Plaintiff suffered from the following injuries and damages:
 - a. Plaintiff lost income, employment benefits and financial security;
 - b. Plaintiff suffered damage to their reputation;
 - c. Plaintiff developed, suffered and continue to suffer from embarrassment, shame and emotional distress;
 - d. Plaintiff suffered and continue to suffer from a diminution in enjoyment of her life;
 - e. Plaintiff's ability to earn wages have been diminished and continues to be diminished; and
 - f. Attorneys' fees and costs.

COUNT ONE – DISCRIMINATION UNDER THE AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967 AND ALL AMENDMENTS (“ADEA”)

21. All preceding paragraphs are incorporated herein as if set forth at length.
22. Plaintiff is a member of a protected class under the ADEA.

23. Plaintiff was born on November 15, 1966 and was 53 years of age at the time of suffering an adverse employment action.

24. Plaintiff was discriminated against because he was an “older” employee who had seniority and should have had higher wages.

25. Plaintiff was discriminated against by Defendant by terminating his employment because of his age.

26. Upon information and belief Defendant filled all positions that Plaintiff was denied and/or terminated from with less qualified, less experienced, and younger employees.

27. Because the discriminatory treatment of Plaintiff by Defendant was willful or in reckless disregard of Plaintiff’s civil rights Plaintiff is entitled to punitive damages.

WHEREFORE, Plaintiff prays for judgment in their favor and against that of Defendant and an award of damages in excess of \$50,000 exclusive of interests and costs and other damages as listed:

- a) The entry of declaratory judgment finding that the acts complained of herein are unlawful discriminatory practices under ADEA.
- b) The entry of a permanent injunction prohibiting Defendant from retaliating against employees on the basis of age.
- c) The immediate assignment of Plaintiff to such position as they would now be occupying but for the discriminatory acts of Defendant as well as the foreclosure of promotional opportunities.
- d) The award of compensation of Plaintiffs for all earnings and other benefits including retirement benefits which Plaintiffs would have received but for the discriminatory acts of Defendant as well as the foreclosure of promotional opportunities.
- e) The award of any pre-judgment interest on any back pay.
- f) The award of compensatory damages.
- g) The award of punitive damages.

- h) The award of costs and disbursements of this action including reasonable attorney's fees and expert fees.

COUNT TWO – DISCRIMINATION UNDER PHRA

- 28. The prior paragraphs of this Complaint are incorporated herein by reference.
- 29. At all times material to this complaint, Plaintiff was an "employee" of Defendant as that term is defined in the Pennsylvania Human Relations Act ("PHRA") 43 P.S. §954.
- 30. At all time material to this complaint Defendant was an "employer" of Plaintiff as that term is defined in the PHRA 43 P.S. §954.
- 31. The acts of Defendant constitute "unlawful discriminatory practices" under 43 P.S. §955 against Plaintiff because of his race, color and/or age.
- 32. As a direct result of the injuries sustained by Plaintiff, Plaintiff is entitled to damages as set forth in the above paragraphs.

WHEREFORE, Plaintiff requests the following:

- a. The entry of a declaratory judgment finding that the acts complained of herein are unlawful and violate the PHRA as amended.
- b. The entry of a permanent injunction enjoining defendants from engaging in each of the unlawful acts, practices, policies, customs, and usages set forth herein, and from continuing any and all other practices shown to be in violation of applicable law so that the Defendants no longer discriminate on the basis of race, national origin or color.
- c. The award of compensation of Plaintiff for all earnings and other benefits including retirement benefits which Plaintiff would have received but for the discriminatory acts of Defendant as well as the foreclosure of promotional opportunities.
- d. The award of any pre-judgment interest on any back pay.
- e. The award of compensatory damages.
- f. The award of costs and disbursements of this action including reasonable attorney's fees and expert fees.

g. The award of such other relief as may be just and proper.

COUNT THREE DISABILITY DISCRIMINATION UNDER ADA

33. The prior paragraphs of this Complaint are incorporated herein by reference.

34. Plaintiff was a “qualified individual with a disability” as that term is defined in the ADA (42 U.S.C §12111 *et seq.*).

35. With reasonable accommodation the plaintiff could perform the essential functions of the position of engineer in manufacturing and design.

36. Defendant by its conduct, has engaged in unlawful employment practices in violation of the Americans with Disabilities Act 42 U.S.C. §§12111 *et seq.*

37. These practices included refusing to bring the plaintiff back with reasonable accommodation and discharging the plaintiff from his employment in favor of an employee that did not require accommodations.

38. Depriving the plaintiff that could perform his duties with these accommodations.

39. It is believed and therefore averred that these unlawful practices were intentional on the part of the defendant.

40. It is believed and therefore averred that the defendant intentionally discriminated against plaintiff because of his accommodations and protection under the Americans with Disabilities Act.

41. These unlawful practices were committed by the defendant to deprive the plaintiff of his rights under the United States Constitution and the laws of the United States and the 1. Commonwealth of Pennsylvania.

42. These practices have caused plaintiff to suffer damages and have deprived plaintiff of equal employment opportunities and have otherwise adversely affected plaintiff because of his disability.

43. As a direct result of the injuries sustained by plaintiff, plaintiff is entitled to damages as set forth in the above paragraphs.

44. Because the discriminatory treatment of plaintiff by defendants was willful or in reckless disregard of plaintiff's civil rights plaintiff is entitled to punitive damages.

WHEREFORE, Plaintiff prays for judgment in his favor and against that of defendants and an award of damages in excess of \$50,000 exclusive of interests and costs and other damages as listed:

- a) The entry of declaratory judgment finding that the acts complained of herein are unlawful discriminatory practices under ADA.
- b) The entry of a permanent injunction prohibiting Defendant from retaliating against employees on the basis of disability.
- c) The immediate assignment of Plaintiff to such position as he would now be occupying but for the discriminatory acts of Defendant as well as the foreclosure of promotional opportunities.
- d) The award of compensation of Plaintiff for all earnings and other benefits including retirement benefits which Plaintiff would have received but for the discriminatory acts of Defendant as well as the foreclosure of promotional opportunities.
- e) The award of any pre-judgment interest on any back pay.
- f) The award of compensatory damages.
- g) The award of punitive damages.
- h) The award of costs and disbursements of this action including reasonable attorney's fees and expert fees.

JURY TRIAL IS DEMANDED AS TO ALL COUNTS

Respectfully submitted,

PRAETORIAN LAW GROUP, LLC

/s/ David M. Kobylinski

David M. Kobylinski, Esquire

PA ID No.: 92233

515 Court Place, Ste 4

Pittsburgh, PA 15219

Dated: August 26, 2022

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing papers has been sent by First Class U.S. Mail to the following:

Extrude Hone, LLC
235 Industry Boulevard
Irwin, PA 15642

Defendant

August 26, 2022

/s/ David M. Kobylinski
DAVID M. KOBYLINSKI

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by:

/s/ David M. Kobylinski, Esquire
David M. Kobylinski, Esquire (PA ID # 92233)\